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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13690-2024
Date of decision : 08.05.2024

Rajvir Singh @ Prince Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.93 dated 16.06.2023, registered for the offences punishable under Sections 379-B(2), 411, 323 and 34 of IPC at Police Station Division 2, District Police Commissionerate Ludhiana.
2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Aman Gautam S/o Garja Parsad, resident of H.No. 1498, Sector-25- D, Chandigarh aged about 22 years, Mobile No. 90440-99985, stated that I am resident of above address and do the labour work, today I was coming from Ambala to Ludhiana by train and when train stopped near Gurudwara Dukh Niwaran Sahib, Ludhiana then I

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alighted there and when I was going to enter from the back gate of Gurudwara, then three boys caught hold me and snatched my wallet, which was contained Rs. 3500/-, ATM, PAN Card and Aadhar Card and when I raised Voice, then one boy gave blow of wooden peace (Lakdi ki Phatti) having nails and because of that I suffered injury on my head then they started snatching my mobile, I started raising voice and people came in Gurudwara Saved me and all three boys ran away from the spot and public got my treatment from civil hospital and later on, I came to know from public that above three were Rajveer @ Prince, resident of Abdulapur Basti, Mani resident of Dugri and Aryan resident of Abdulapur Basti. Statement has been got recorded to you, Kindly legal action be taken Sd/- Atman Gautam.xxx”

3. Custody certificate has been produced which is taken on record. As per the same, the petitioner has undergone incarceration of more than 10 months and 23 days by now.
4. Counsel for the petitioner has referred to zimni orders passed by the trial Court to show that despite efforts being made by the trial Court, the complainant is not coming forth even after having been ordered to be summoned through non-bailable warrants.
5. Learned State counsel is not in a position to dispute the aforesaid fact. However, refers to three other cases that the petitioner is facing.

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6. Without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner, this Court finds that the custody of the petitioner cannot be ordered to be prolonged as a punitive measure.
7. Resultantly, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No